THE POISONS ACT, 1919 (XII OF 1919).

G. N., H. D., No. 705, dated 11th November 1922 (B. G., Pt. I, p. 2581).

Amended by G. N., H. D., No. 8548, dated 19th August 1925.

Amended by G. N., H. D., No. 4521, dated 14th June 1926.

Amended by G. N., H. D., No. 3157/3, dated 14th November 1933.

Amended by G. N., H. D., No. 3091/3, dated 9th December 1933.

Amended by G. N., H. D., No. 7922/3, dated 21st September 1938.

Amended by G. N., H. D., No. 7922/3, dated 17th November 1942.

Amended by G. N., H. D., No. 2107/5, dated 17th April 1947.

Amended by G. N., H. D., No. 91/6-B, dated 27th October 1949.

In exercise of the powers conferred by section 2 of the Poisons Act, 1919 (XII of 1919), and in supersession of the notifications specified below,* the Governor in Council is pleased to make the following rules for regulating the possession for sale and the sale of poisons within the whole of the Presidency of Bombay, namely :—

* Government Notification, Judicial Department, No. 6090, dated the 26th July 1919.
Government Notification, Judicial Department, No. 6092, dated the 26th July 1919.
Government Notification, Judicial Department, No. 6091, dated the 26th July 1919.

1. *Definition.*—In these rules " the Act " means the Poisons Act, 1919.

2. *Poisons.*—The following substances shall be deemed to be poisons for the purposes of these rules :—

A. *Aconite, Aconitine,* and their preparations.

Alkaloids, all poisonous vegetable alkaloids, not specifically named in this schedule and their salts, and all other poisonous derivatives of vegetable alkaloids.

Arsenic, Sulphides of arsenic and all liquid preparations containing arsenic in any form.

Atrophine, and its salts, and their preparations.

Belladonna, and all preparations or admixtures (except Belladonna plasters), containing 0·1 or more per cent. of Belladonna alkaloids.

Cantharides, and its poisonous derivatives (*e.g.*, cantharidin).

Chloral Hydrate.

Chloroform, and all preparations or admixtures containing more than 20 per cent. of chloroform.

Coca, any preparations or admixture of, containing 0·1 or more per cent. of coca alkaloids.

Corrosive Sublimate.

Cyanide of Potassium, and all poisonous cyanides and their preparations.

Diamorphine (also known as Heroine) and all preparations or admixtures containing 0·1 per cent. of Diamorphine.

Diethyl Farbituric Acid, and other alkyl, aryl, or metallic derivatives of barbituric acid, whether described as veronal, proponal, medinal, or by any other trade name, mark or designation; and all poisonous urethanes and ureides.

Digitalis, Digitalin, and all preparations thereof.

Ecyonine, and all preparations and admixtures containing 0·1 per cent. of ecyonine.

Ergot of Rye, and preparations of ergot.

Lead, in combination with oleic acid, or other higher fatty acids whether sold as "diachylon", or under any other designation (except machine-spread plasters).

Nux Vomica, and all preparations or admixtures containing 0·2 or more *strychnine.*

Opium, and all preparations or admixtures containing 0·2 or more per cent. of *Morphine.*

Phosphorus White.

Picrotoxin.

Prussic Acid, and all preparations or admixtures containing 0·1 or more per cent. of prussic acid.

Savin and its Oil, and all preparations or admixtures containing Savin or its oil.

Strammonium, and all preparations containing it.

Strophanthus, Strophanhin, and all preparations thereof.

Tartar Emetic, and all preparations and admixtures containing one or more per cent. of tartar emetic.

Tetra ethyl lead, except as provided in rule 18.

B. *Almonds, Essential Oil of* (unless deprived of prussic acid).

Antimonial Wine.

Barium, all salts of, except Sulphate of Barium.

Cantharides, Tincture of, and all vesicating liquid preparations or admixture of tincture of cantharides.

Carbolic acid, and liquid preparations of carbolic acid and its homclogues, containing more than 3 per cent. of those substances, except preparations for use as sheepwash, or for any other purpose in connection with agriculture or horticulture contained in a closed vessel, distinctly labelled with the word "Poisonous", the name and address of the seller, and a notice of the special purposes for which the preparations are intended.

Mercuric Sulphocyanide.

Oxalic Acid.

Poppies, all preparations of, excepting red poppy petals and syrup of red poppies (papaver rhoeas).

Precipitate, Red, and all oxides of mercury.

Precipitate, White.

Spirit (denatured) containing 0·5 per cent. Pyridine, 0·5 per cent. Caoutchoucine and 0·5 per cent. Naphthalene.

Sulphonal, and its homologues, whether described as trional, tetronal, or by any other trade name, or mark or designation.

Zinc Chloride, and liquid preparations of zinc chloride except preparations intended to be used for soldering or other purely industrial purpose, provided that they are contained in closed vessels labelled with the word "Poisonous", and bearing the name and address of the seller and a notice of the special purpose for which the preparations are intended:

Provided that nothing contained in rules 3 to 13 (both inclusive) and 16 and 17 of these rules shall apply to the possession for sale, and the sale of poisons specified in class B of this rule.

3. *Prohibition of sale or possession of poison without a license.*—No person, unless exempted under the provisions of the Act, shall sell or possess for sale any poison specified in rule 2 except under a license granted in that behalf by the District Magistrate or, in the City of Bombay, by the Commissioner of Police.

4. *Licenses by whom to be granted or withdrawn.*—The grant or withdrawal of a license to any applicant shall be at the discretion of the District Magistrate or, in the City of Bombay, of the Commissioner of Police, whose decision thereon shall be final.

5. *Duration of licenses: Application.*—Subject to the provisions of Rules 6 and 7, a license granted under Rule 3 shall remain in force for one year from the 1st January or from the date of issue, if later than the 1st January, to the 31st December following. Every applicant for the grant or renewal of a license shall make a written application to the District Magistrate or, in the City of Bombay, to the Commissioner of Police, and such application shall bear a Court fee stamp of Re. 1.

6. *Termination of licenses.*—A license shall terminate on the death of the license-holder, or, if granted to a firm or company, on the winding up or transfer of the business of such firm or company.

7. *Revocation or cancellation of licenses.*—The District Magistrate or, in the City of Bombay, the Commissioner of Police, may, for any sufficient cause, revoke or cancel any license granted under Rule 3.

8. *Sale of poisons.*—Every sale of poison shall, so far as possible, be made by the license-holder in person, or where the license-holder is a firm or a company, through, or under the supervision of, an accredited representative of such firm or company.

9. *Persons to whom poisons may be sold.*—A license-holder shall not sell any poison to any person unless the latter is personally known to him, or identified to his satisfaction. He shall not sell any poison to any person who appears to him to be under the age of 18 or to any person who does not appear to him to be in full possession of his faculties, or to any wandering mendicant.

10. *Register of sales of poisons.*—(1) Every license-holder shall maintain a register in which he shall enter all sales of poison, other than those used by a chemist, druggist or compounder dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner. The following particulars shall be entered in such register in respect of each such sale, namely :—

(*a*) Serial Number.
(*b*) Name of poison.
(*c*) Quantity sold.
(*d*) Date of sale.
(*e*) Name and address of purchaser.
(*f*) Purposes for which the poison was stated by the purchaser to be required.
(*g*) Signature of purchaser (or thumb impression if illiterate) or in case of purchase by post, date of letter or written order and reference to the original in the file in which it is preserved.
(*h*) Signature of vendor.

(2) In a separate portion of the register shall be entered, in separate columns for each poison, the quantity of each sold daily, and these entries shall be filled up from day to day.

(3) The signature under item (*g*) of the register shall be that of the license-holder himself or, when the license-holder is a firm or company, that of an accredited representative of such firm or company, and shall be entered at the time of sale or despatch to the purchaser. Such signature shall be held to imply that the writer has satisfied himself that the requirements of Rule 9, have been fulfilled.

(4) All letters or written orders referred to in head (*f*) of the register shall be preserved in original by the license-holder for a period of not less than two years from the date of the sale.

11. *Stock Register.*—A license-holder shall maintain in respect of each poison specified in Rule 2 a stock register in the form of Appendix A to these rules. The stock register shall be balanced daily.

12. *Prescription Register.*—Every dispensing chemist or druggist shall maintain a prescription register in the form of Appendix B to these rules.

13. *Power to inspect poisons and registers.*—Any Magistrate, any Excise Officer, of or above the rank of Assistant Inspector, any Police Officer of or above the rank of Sub-Inspector, any Revenue Officer of or above the rank of Mamlatdar, Mukhtyarkar or Mahalkari, any Medical Officer of or above the rank of Hospital Assistant, in the City of Bombay, the Municipal Commissioner or any officer of the Health Department of the Municipal Corporation of the City of Bombay authorised in this behalf by the Municipal Commissioner, any Medical Officer holding an appointment by commission under Government, and the Police Surgeon in the City of Bombay may at any time visit and inspect the premises of a license-holder, a dispensing chemist or a druggist where poison is kept for sale and may inspect all poisons found therein and the registers maintained under rules 10, 11 and 12.

14. *Custody of Poisons kept for sale and labelling of receptacles in which they are kept.*—All poisons kept for sale under these rules shall be kept in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons specified in rule 2 and each poison shall be kept, within such box, almirah, room or building, in a separate closed receptacle of glass, metal or earthenware. Every such box, almirah, room or building, and every such receptacle, shall be marked with the word "poison" in red characters, both English and Vernacular, and in the case of receptacles containing separate poisons with the name of such poison.

15. *Poisons sold to be securely packed and labelled.*—When any poison is sold, it shall be securely packed in a close receptacle or packet (according to the quantity); and every such receptacle or packet shall be labelled by the vendor with a red label, bearing in English and in the vernacular or vernaculars prescribed by the local licensing authority the word "poison". which must be shown prominently at the top of the label, and the name of the poison; and also either in English or Vernacular or in both, the name of the vendor and the address of the shop at which the poison is sold and in the case of poisons specified in class A of rule 2 the number and date of the entry in the register of sales specified in Rule 10.

16. *Sale of powdered white arsenic.*—A license-holder shall not sell white arsenic (in which category are included arsenious acid and the arsenites, arsenic acid and the arseniates and all other colourless dry poisonous preparations of arsenic) to any person, unless the same is before the sale thereof mixed with soot, indigo, or Prussian blue in the proportion of half an ounce of soot, indigo or Prussian blue at least to one pound of white arsenic, and so on in proportion for any greater or less quantity; provided that, where such arsenic is stated by the purchaser to be required for some purposes for which such admixture would, according to the representation of the purchaser, render it unfit, such arsenic may be sold, without such admixture, in a quantity of not less than ten pounds at any one time.

17. *Sale of perchloride of mercury.*—A license-holder shall not sell perchloride of mercury, to any person, unless the same is, before the sale thereof, mixed with Methylene blue or carmine in the minimum proportion of 10 grains of Methylene blue or carmine to 20 ounces of mercury perchloride.

18. *Sale and possession for sale of tetra ethyl lead.*—Petrol containing ethyl fluid (an admixture of tetra ethyl lead) is exempted from the provisions of the Act and these rules provided—

(*i*) the cans and pumps containing the fuel are labelled to indicate the presence of tetra ethyl lead in the fuel and to warn the user to avoid spillage and not to use the fuel for purposes other than for motor fuel;

(*ii*) the fuel shall be dyed as an additional check against its use otherwise than for motor fuel; and

(*iii*) the amount of tetra ethyl lead in the fuel does not exceed 1 part in 1,300 parts by volume or 1 part in 650 by weight.

APPENDIX A.

(*Vide* Rule 11.)

Monthly Stock Book—Poison.

Name of Poison.

Receipts.						Issues.			
Serial No.	Balance in Stock.	Date.	Name of the person from whom received.	Address.	Quantity received.	Date.	Quantity sold.	Balance in stock.	Remarks.

APPENDIX B.

(*Vide* Rule 12.)

Form of Prescription Register.

Serial No.	Date.	Name of patient.	Age.	Address.	Prescription (to be copied in detail from the original presented).	By whom prescribed.	Initials of dispensing chemist.

***G. N., J. D., No. 1648, dated 11th March 1916 (B. G., Pt. I, p. 457).** S. 4 (1)

In exercise of the powers conferred by section 5 of the Poisons Act, 1904 (I of 1904), and with the previous sanction of the Governor General in Council the Governor in Council is pleased to make the following rules to regulate the possession of white arsenic in the village of Yewat in the Dhond Peta of the Poona District in which the offence of mischief by poisoning cattle therewith appears to be of such frequent occurrence as to render restrictions on the possession thereof desirable, namely :—

1. No person shall possess more than one ounce of white arsenic except under a license granted in this behalf by the District Magistrate, Poona ; Provided that this rule shall not apply to the possession of white arsenic exceeding one ounce by—

(*a*) wholesale dealers, and

(*b*) persons duly authorised to sell by retail.

2. Any person who commits a breach of rule 1 shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both, together with confiscation of the white arsenic in respect of which the breach has been committed, and of the vessels, packages or coverings in which the same is found.

* This Notification issued under section 5 of Act I of 1904 [now section 4 (*1*) of Act XII of 1919] is kept in force by Act X of 1897, section 24.